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JAN 28 2002

GROUP 3600

Official

STEIN & ASSOCIATES, P.C.
(A PROFESSIONAL CORPORATION)

ATTORNEYS AT LAW
489 FIFTH AVENUE
29TH FLOOR
NEW YORK, NEW YORK 10017

TEL (212) 883-0100
FAX (212) 883-0101

(703) 306-495 January 25, 2002

Via Facsimile: (703) 308-3597 or (703) 308-7687

Ms. Y. Horton, Examiner
United States Patent and Trademark Office
Art Unit: 3635
Washington, D.C. 20231

Re: Applicant: Peter Kowalevich
Serial No.: 09/450,385
For: Fully Interlocking Synthetic Shake Siding

Dear Ms. Horton:

Enclosed please find a copy of the Petition for Extension of Time in response to the Office Action dated June 5, 2001. This Petition requested a three-month extension of time to respond through to, and including December 5, 2001, which was the date of mailing. The proscribed Small Entity fee of \$460.00 was included along with the postcard (copies of each are also enclosed).

When you called my office earlier today, you spoke with Eric Radziminsky, a new law clerk. Mr. Radziminsky was not aware that this Petition had already been filed. I apologize for any confusion.

I would appreciate it if you would confirm your receipt of this document by fax as soon as you receive it. I do appreciate your calling my office, however, to alert me that you had not received the enclosed Petition. Thank you.

Sincerely,


Mitchell A. Stein

MAS:rs
Enclosures

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FAX TRANSMISSION COVER SHEET

Date: February 5, 2002
To: Mr. Horton - UNITED STATES PATENT AND TRADEMARK OFFICE
From: Mitchell A. Stein, Esq.
Fax: (703) 306-4195
Re: Kowalevich - 09/450385
Sender: RUTH FOR MAS

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FEB 05 2002

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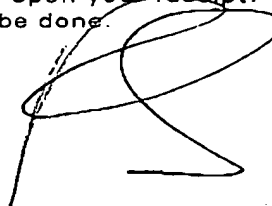
**YOU SHOULD RECEIVE PAGE(S), INCLUDING THIS COVER SHEET. IF
YOU DO NOT RECEIVE ALL THE PAGES, PLEASE CALL (212)883-0100**

This transmission is intended only for the use and attention of the individual identified above, to whom this transmission and the documents and data that follows are addressed. This transmission includes secret and confidential information that is exempt from disclosure under applicable law. Any distribution of this transmission to anyone other than the intended recipient is absolutely forbidden. If this transmission is received by anyone other than the intended recipient, please telephone us at once at 1-212-883-0100; you may call collect. Please return the document at once to us at the above address via the United States Postal Service. Thank you.

MESSAGE:

Please review the attachments and give me a call upon your receipt.
Thank you for listening and please see what can be done.

RUTH



STEIN & ASSOCIATES, P.C.
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NEW YORK, NEW YORK 10017

Official

TEL (212) 883-0100
FAX (212) 883-0101

February 5, 2002

VIA FACSIMILE (703) 306-4195

Ms. Yvonne Horton
Examiner
United States Patent and Trademark Office
Commissioner of Patents
Washington, D.C. 20231

FAX RECEIVED

FEB 05 2002

GROUP 3600

Re: Applicant: Peter Kowalevich
Serial No.: 09/450,385
Fully Interlocking Synthetic Shake Siding

Dear Ms. Horton:

I am writing to you with the hope that we can arrive at a satisfactory conclusion to the above matter. You will recall from many of our phone conversations, faxes (both ways) and correspondence that an extension was requested with regard to the most recent Office Action dated June 5, 2001. The Petition For Extension of Time as well as the Amendment were sent on December 5, 2001 along with this firm's check in the amount of \$460.00.

Since then, we have established the following facts:

1. You have not received the package (i.e., check not cashed; postcard not returned);
2. We have not gotten a return of the package from the post office; and
3. The application has been abandoned.

While attempting to fax the material to you after a series of numerous faxes and various conversations with the staff in this office, our faxes "crossed paths." See copy of facsimile dated and confirmed on January 28, 2002, and your letter dated January 28, 2002 reasserting Notice of Abandonment due to lack of response. It would seem to me, Ms. Horton, that we are at a crossroads.

STEIN & ASSOCIATES, P.C.

TO: [INSERT NAME]

DATE: [INSERT DATE]

PAGE: -2-

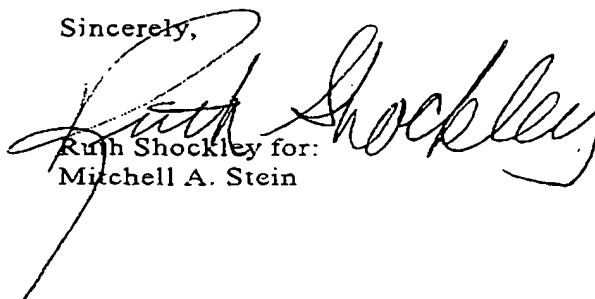
In addition, while attempting to decipher this situation, I came across a letter from your office dated January 16, 2002 (copy attached hereto). Specifically, it was signed by "Nicholas P. Godici" and states in pertinent part:

"Unfortunately the decontamination process has damaged some of the mail recently delivered to the USPTO. For example, some patent application papers and drawings, including photographs have been stuck together and cannot be separated. Some computer discs have been damaged. Some labels have been blackened so that the text on them cannot be read and some papers have been yellowed and are brittle. The amount of damaged mail is small, about 5%, and the senders are being contacted to supply a duplicate when necessary. Additionally, no application is being abandoned without us first calling the applicant to ensure that a reply has not been delayed in the mail.."

I certainly believe Ms. Horton that you did not receive the documents. I hope that you would in turn believe that not only did we send the documents on December 5, 2001, but we have continuously tried to get them to you by fax since then. At this juncture, I would appreciate it if you could make a determination based on the above facts and allow us to send to you an original set of documents along with a new check in the original amount of \$460.00 to revive said application and move forward.

Thank you.

Sincerely,



Ruth Shockley for:
Mitchell A. Stein

MSF:rs
Attachments

Enclosed please find a copy of the Petition for Extension of Time in response to the Office Action dated June 5, 2001. This Petition requested a three-month extension of time to respond through to, and including December 5, 2001, which was the date of mailing. The proscribed Small Entity fee of \$460.00 was included along with the postcard (copies of each are also enclosed).

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Sincerely,


Mitchell A. Stein

MAS:rs
Enclosures

ERRORS
1) HANG UP OR LINE FAIL
2) BUSY
3) NO ANSWER
4) NO FACSIMILE CONNECTION

THE FOLLOWING FILE(S) ERASED
FILE TYPE
OPTION
TEL NO.
170233064195
PAGE RESULT
07/07 OK
MEMORY TX 079

FEB 05 '02 06:24PM STEIN ASSOCIATES
JAN 28 '02 05:47PM
STEIN ASSOCIATES
(AUTO)

STEIN & ASSOCIATES, P.C.

2562

Kowalewski - 3 mos. XT
09/450,385

WATSON & GREGG, P.C.

THE
DER

~~Requiem~~ *Requiem*
Have hundred notes, *no*

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29TH FLOOR
NEW YORK, NEW YORK 10017

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RECEIPT HEREBY ACKNOWLEDGED OF:

- ☐ Certificate of Mailing on December 5, 2001
- ☐ Amendment
- ☐ Check for \$460

In re:

Applicant: KOWALEVICH, Peter
For: Fully Interlocking Synthetic Shake Siding
Serial No.: 09/450,385
Docket No.: KOWAL-001



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

Dear Patent Practitioner,

The USPTO and the patent community have experienced considerable difficulties since mid-October 2001 due to delays in the delivery of mail by the US Postal Service. I want to assure you that the USPTO is making every effort to deal with this situation in ways that avoid any undue burden upon applicants. Over the last few weeks we have seen an increase in the volume of backlogged mail being delivered and we are working very hard to process this mail as quickly as possible. I ask that you bear with us during this challenge and work with us to the extent possible to minimize the impact of these mail delays.

Unfortunately the decontamination process has damaged some of the mail recently delivered to the USPTO. For example, some patent application papers and drawings including photographs have been stuck together and cannot be separated. Some computer discs have been damaged. Some labels have been blackened so that the text on them cannot be read and some papers have been yellowed and are brittle. The amount of damaged mail is small, about 5%, and the senders are being contacted to supply a duplicate when necessary. Additionally, no application is being held abandoned without us first calling the applicant to ensure that a reply has not been delayed in the mail.

I also understand that there has also been some concern from practitioners that outgoing mail from the Office may have been delayed in some instances. Currently, the USPTO is requesting that applicants follow the procedure set forth in Manual of Patent Examining Procedure (MPEP) 710.06 to establish a delay in receipt of mail if they want to request that the period for reply be reset.

Please consult the USPTO Internet web site (<http://www.uspto.gov>) for updated information on Technology Center facsimile numbers, surface mail alternatives, and other announcements concerning mail delays. Some notices related to the mail delays that have been recently posted on the USPTO web site are listed on the attached table. Section 511 of the MPEP will be revised to state that in the event of a postal emergency an announcement will be placed on the USPTO web site. Note also that the entry of a paper into an application file can be confirmed by checking the PAIR system via our Electronic Business Center on our web site.

Questions related to mail difficulties should be directed to the Office of Patent Legal Administration, by telephone at (703) 308-6906. Alternatively, the questions may be sent via e-mail to PatentPractice@uspto.gov.

Thank you for your continued cooperation as we deal with this difficult situation.

1/16/02
Date

Nicholas P. Godici
NICHOLAS P. GODICI
Commissioner for Patents

Enclosure: Table of Recent Notices